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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) E-Filing
14 Plaintiff,)
15 v.) Case No: C 04-4351 SBA
16 PROSPERO VENTURES, L.P.) HON. SAUNDRA BROWN ARMSTRONG
17 Defendant.) Date:
) Time:
) Room: Cirm 3, 1301 Clay St., Oakland

STIPULATED ORDER PARTIALLY LIFTING THE JUDICIAL STAY FOR A LIMITED PURPOSE

This matter comes before the Court on the Stipulation of the United States of America ("USA") for its agency the U.S. Small Business Administration ("SBA"), Plaintiff, and the U.S. SBA in its capacity as Receiver ("Receiver") for Prospero Ventures, L.P. ("Prospero") (f/k/a Dotcom Ventures, L.P., f/k/a ASCII Ventures, L.P.), Defendant, for Entry of an Order partially lifting the blanket judicial injunction and stay against the commencement of civil legal proceedings of any nature involving Prospero, or any assets of Prospero, or any of Prospero's general or limited partners, imposed by Paragraph 7 of this Court's Order Granting Receivership C 04-4351 SBA - ORDER PARTIALLY LIFTING THE JUDICIAL STAY FOR A LIMITED PURPOSE

1 and Permanent Injunctive Relief ("Receivership Order"), entered October 20, 2004, for the
2 limited purpose of authorizing the Receiver to commence civil litigation in this Court against
3 certain individuals and entities who/which are limited partners ("LP") in Prospero, and to take all
4 steps necessary to recover on the obligations owed to Prospero by those same LPs, and this Court
5 being duly advised as to the merits,

6

7 IT IS HEREBY ORDERED THAT:

8 1. The parties' Stipulation/Motion (1) to reopen this case and (2) to consider entry of an
9 Order partially lifting the blanket judicial injunction and stay against the commencement of civil
10 legal proceedings of any nature involving Prospero, for a limited purpose, are both GRANTED;
11 and

12

13 THE COURT FINDS THAT:

14 (1) The Receiver is charged with pursuing and preserving all claims and assets of
15 Prospero.

16 (2) The relief proposed by the Plaintiff and Defendant in their Stipulation/Motion filed
17 herein is reasonable, necessary and in the best interest of the Prospero Receivership Estate.

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19 IT IS HEREBY ORDERED AND DECREED THAT:

20 (1) The blanket judicial injunction and stay previously imposed in this proceeding by the
21 Receivership Order is hereby partially lifted for the limited and sole purpose of authorizing the
22 Receiver to commence and prosecute separate litigation in this Court against each of the LPs
23 who/which has not paid its unfunded capital commitment to Prospero, and to take all steps
24 necessary to collect on the obligation of each LP, its assignee or successor, to pay its unfunded
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LIMITED PURPOSE

¹ capital commitment, without further prior order of this Court.

(2) The Receiver is authorized, upon entry of this Order, to file separate Complaints in
the United States District Court for the Northern District of California against any or all of the
following LPs, their assignees and successors, and to serve process on each:

- 6 1) Donald K. Emery
7 2) John W. Murphy
8 3) Bhalerao Family Trust (aka Rainbow Enterprises),
9 Prakash Bhalerao, Trustee
10 4) Jarrat Enterprises LP, Henri Jarrat, General Partner, as transferee of
11 interest of Henri Jarrat
12 5) High Growth Management, Ltd.
13 6) John M. Sloane
14 7) John M. Sloane as transferee of interest of Janet M. Mills
15 8) John M. Sloane as transferee of interest of Margaret E. Sloane
16 9) Jane C. Sloane
17 10) Luzon Investments, Ltd.
18 11) Jose Maria Insenser and Lucia Martinez
19 12) Bun Bun & Co., Ltd.

19 The Receiver is further authorized to prosecute its causes of action against each of the LPs, their
20 assignees or successors in each case, and to take all steps necessary to collect on the obligation of
21 each LP, its assignee or successor, to pay its unfunded capital commitment to Prospero, without
22 further prior order of this Court.

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1 the case for appropriate post-judgment relief at a later time. The Clerk shall close the file and
2 terminate any pending matters.

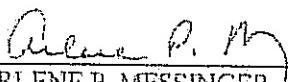
3 (4) Without further order of this court, the attorney filing the above-mentioned
4 separate Complaints shall inform the Clerk that the case is to be assigned to this Court as a
5 related case per Local Rule 3-12 and provide a copy of this Stipulated Order to the Clerk. The
6 Clerk shall take appropriate steps to have the case reassigned.
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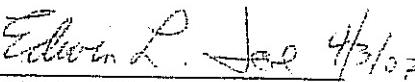
8 PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED:
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10 This 13TH day of APRIL 2007, in Oakland, California.

11 
12 HON. SAUNDRA BROWN ARMSTRONG
13 United States District Judge
14

15 APPROVED AS TO FORM AND CONTENT:

16 
17 ARLENE P. MESSINGER
18 Attorney for Defendant, SBA as Receiver for
19 Prospero Ventures, LP
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21 
22 EDWIN L. JOE 4/3/07
23 Special Assistant U. S. Attorney
24 Attorney for Plaintiff, United States of America
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27 LIMITED PURPOSE
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